

AUSTIN KNUDSEN
Montana Attorney General
DAVID M.S. DEWHIRST
Solicitor General
CHRISTIAN B. CORRIGAN
Deputy Solicitor General
BRENT MEAD
Assistant Solicitor General
P.O. Box 201401
Helena, MT 59620-1401
Phone: (406) 444-2026
Fax: (406) 444-3549
david.dewhirst@mt.gov
christian.corrigan@mt.gov
brent.mead2@mt.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
MISSOULA DIVISION

MONTANA MEDICAL ASSOCIATION, ET. AL.,

Plaintiffs,

and

MONTANA NURSES ASSOCIATION,

Plaintiff-Intervenors,

v.

AUSTIN KNUDSEN, ET AL.,

Defendants.

No. CV-21-108-M-DWM

**DEFENDANTS' MOTION IN
LIMINE TO EXCLUDE
PORTIONS OF VICKY
BYRD'S TESTIMONY**

Defendants move the Court in limine to exclude portions of Vicky Byrd's testimony under Fed. R. Civ. P. 37(c)(1). Defendants served Plaintiff-Intervenor with discovery requests on July 5, 2022. The parties agreed to extend the date by which Plaintiff-Intervenor must respond to August 15, 2022. Plaintiff-Intervenor objected to the three specific requests at issue in this motion: Request for Production Number 4, Interrogatory Number 9, and Integratory Number 10. Plaintiff-Intervenor Montana Nurses Association CEO Vicky Byrd now seeks to enter testimony on topics to which Plaintiff-Intervenor objected and claimed it had no responsive information during discovery. This Court should limit Vicky Byrd's testimony to evidence produced during discovery.

This motion is supported by the accompanying brief, the Foundational Declaration of Brent Mead, and that declaration's exhibit 6.

Counsel for Plaintiffs and Plaintiff-Intervenor have been contacted and they oppose this motion.

DATED this 2nd day of September, 2022.

Austin Knudsen
Montana Attorney General

DAVID M.S. DEWHIRST
Solicitor General

/s/ Brent Mead
BRENT MEAD
Assistant Solicitor General
CHRISTIAN CORRIGAN
Deputy Solicitor General
P.O. Box 201401
Helena, MT 59620-1401
christian.corrigan@mt.gov.
brent.mead2@mt.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

Dated: September 2, 2022

/s/ Brent Mead
BRENT MEAD